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Attorney for Claimant  
Beverly Stover

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

In re	) Case No. 19-30088-DM
	)
PG&E Corporation,	) Chapter 11
	) Lead Case, Jointly Administered
and	)
	) <b>MOTION PURSUANT TO FED. R. BANKR.</b>
PACIFIC GAS AND ELECTRIC	) <b>PROC. 7015 AND 7017 TO ENLARGE TIME</b>
COMPANY,	) <b>TO FILE PROOF OF CLAIM PURSUANT</b>
	) <b>TO FED. R. BANKR. PROC. 9006(b)(1)</b>
Debtors.	)
	) Date: July 26 <sup>th</sup> , 2022
[x] Affects both Debtors	) Time: 10:00 a.m. (Pacific Time)
	) Place: Telephonic/Video Appearances Only
*All paper shall be filed in the Lead Case,	) United States Bankruptcy Court
No. 19-30088-DM	) Courtroom 17,
	) 450 Golden Gate Ave., 16 <sup>th</sup> Floor
	) San Francisco, CA
	) Judge: Hon. Dennis Montali
	)
	) Objection Date: July 12 <sup>th</sup> , 2022

**BACKGROUND**

Pursuant to Rules 015 and 7017 of Federal Rules of Bankruptcy Procedure, which incorporate Federal Rules of Civil Procedure 15 and 17, by this motion ("Motion"), Beverly Stover ("Movant") moves the court for an order expanding the time to file a Proof of Claim, and allow, Claim Number

1 (not yet assigned), that was filed on May 25<sup>th</sup>, 2022, with Prime Clerk and submitted with this motion  
2 as “Exhibit A”, to be considered timely filed.

3 This Motion is based upon the points and authorities set forth herein and the concurrently  
4 filed Notice of Hearing, Declaration of Beverly Stover and Declaration of attorney Joseph Feist in  
5 support of the Motion, in addition to any evidence or oral argument presented at the time of any  
6 hearing on this matter. In support thereof, the Movant, by and through her undersigned counsel,  
7 respectfully represent as follows:

### 8 **BASIS FOR RELIEF REQUESTED**

9 The general bar date in these cases was October 21, 2019 (“Original Bar Date”). The process  
10 for submission of timely claims was continued after the Original Bar Date. Pursuant to the Stipulation  
11 Between Debtors and Official Committee of Tort Claimants to Extend Bar Date for Fire Claimants  
12 and for Appointment of Claims Representative (Dkt No. 4651), the Original Bar Date was extended  
13 for the benefit of Unfiled Fire Claimants to December 31, 2019 at 5:00 p.m. (Prevailing Pacific  
14 Time). The Debtors’ Chapter 11 plan (“Plan”) was confirmed by court order on June 20, 2020, and  
15 pursuant to the Notice of Effective Date, the Plan became effective as of July 1, 2020.

16 This Motion concerns the claim of Beverly Stover who never submitted a claim until she  
17 hired counsel on May 22<sup>nd</sup>, 2022, and a claim was prepared and submitted on her behalf on May 25<sup>th</sup>,  
18 2022. Ms. Stover’s filing is for an emotional distress claim including zone of danger and nuisance.  
19 Ms. Stover lived and continues to live in Magalia, CA before the fire erupted and destroyed her  
20 community. Claimant has suffered immensely from losing those she had created meaningful  
21 relationships with over the course of the years. Movant respectfully requests her late claim be  
22 accepted and deemed timely.

23 Under Rules 7015 and 7017 of Federal Bankruptcy Procedure (which incorporate Federal  
24 Rules of Civil Procedure 15© and 17(a)(3)) because there is a lack of bad faith on the part of the

1 Movant and her counsel in failing to submit Ms. Stover's original claim, it is respectfully requested  
2 the Court allow an extension of the bar date required to effectuate the purpose of Rules 7015 and  
3 7015, it is respectfully requested the mistake should be allowed to be corrected by permitting the late  
4 filing of the Proof of Claim under Bankruptcy Rule 9006(b).

5 Application of the *Pioneer* factors shows that Movants' late filing is the result of excusable  
6 neglect and therefore permissible under Rule 9006(b)(1), the Supreme Court explained that Congress,  
7 by empowering the courts to accept late filings where the failure to act was the result of excusable  
8 neglect, plainly contemplated that courts would be permitted, where appropriate, to accept late filings  
9 caused by inadvertence, mistake or carelessness, as well as by intervening circumstances beyond the  
10 party's control. *Pioneer Inv. Servs. Co. v. Brunswick Associates L.P.*, (1993) 507 U.S. 380 at 388.  
11 The Supreme Court further clarified that whether a claimant's neglect of a deadline is excusable is an  
12 equitable determination, taking account of all the relevant circumstances surrounding the claimant's  
13 omission. See *id.* At 395. These equitable considerations include (1) The danger of prejudice to the  
14 debtor, (2) The length of the delay and its potential impact on judicial proceedings, (3) The reason for  
15 the delay, including whether it was within the reasonable control of the movant, and (4) whether the  
16 movant acted in good faith.

17 As to the first factor, Movants' late filing will cause no prejudice to Debtors, since the Plan  
18 has been confirmed, the associated Fire Victim Trust funded, and so the inclusion of the Movants'  
19 claim in the pool of fire victim claims will have no impact at all on the Debtors or the bankruptcy  
20 estates.

21 As to the second factor, Movants' delay in filing this claim and any resultant impact on these  
22 proceedings are exceedingly modest and immaterial for the same reasons that Debtors will not be  
23 prejudiced.

1 As to the third factor, the reason for the delay and whether it was in Movants' reasonable  
2 control, she had a reasonable belief that she was not entitled to any claim against PG&E due to her  
3 home not suffering any physical damage.

4 As a final factor, the Movant is acting in good faith in filing the claim as she was a renter at  
5 the time of the fire, has continued to be, and suffered the great loss of her community along with  
6 extensive mental anguish as a result of her evacuation experience. Based on the above and supporting  
7 evidence, Claimants' counsel requests the claim be allowed due to his client's lack of bad faith in her  
8 belief that filing a timely proof was not necessary as her home did not suffer any physical damage.

### 9 CONCLUSION

10 For the reasons set forth above, Movants respectfully request that this Court enter an order  
11 pursuant to Bankruptcy Rules 7015, 7017, 9006(b)(1) as follows:

- 12 1. Granting this Motion;
- 13 2. Directing that Exhibit A, the Proof of Claim, Claim Number (not yet assigned), be  
14 deemed timely filed;
- 15 3. Granting such other or further relief as the Court deems just and proper.

16 Dated: 6/6/2022

17 /s/ Joseph K. Feist

18 Joseph K. Feist  
19 Attorney for Claimant  
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